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C O N F I D E N T I A L THE HAGUE 002693

SIPDIS

STATE FOR EUR/UBI, AF/S

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TAGS: [KPAO](#) [PBTS](#) [XA](#) [PREL](#) [AO](#) [NL](#)

SUBJECT: NETHERLANDS/ANGOLA: COURT SEEKS MORE INFORMATION  
FROM MFA ON BEMBE

REF: A. THE HAGUE 2556 (AND PREVIOUS)

1B. HOOIJKAAS-FRIEDMAN E-MAILS 10/05/05

Classified By: Charge Blakeman for Reasons 1.4 (b), (d)

11. (C) SUMMARY: The Hague District court adjourned the extradition hearings for Antonio Bento Bembe until November 14 and asked the Dutch Ministry of Foreign Affairs (MFA) to provide additional clarification of the circumstances under which Bembe came to the Hague. If the court finds that the MFA implicitly offered "safe passage" to Bembe, it is likely to reject the U.S. extradition request. In response to parliamentary questioning, FM Bot stated that extraditing Bembe could have a negative impact on the Cabinda Peace Process but did not take a formal position on the merits of the case. In a meeting with Dutch MFA POLDIR Hugo Siblesz, Charge urged the Dutch to treat the case as a criminal matter and to respond favorably to the U.S. extradition request. END SUMMARY.

BEMBE RELEASED; COURT SEEKS MORE ANSWERS FROM MFA  
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12. (SBU) The Hague District court adjourned hearings on the U.S. request for the extradition of Antonio Bento Bembe for the second time on October 4; the hearings will resume on November 14. The court released Bembe from detention pending the new trial date, but ordered him to turn over his false passports and report daily to police.

13. (SBU) The court requested further clarification from the MFA on its role in bringing Bembe to The Hague - where he was arrested June 21 of last year. The implication of the court's questions suggested that Bembe's arrest could be rendered unlawful if the Foreign Ministry had implicitly granted Bembe safe passage. In responses provided to the court following the initial September 13 proceedings (ref b), the MFA described its role as limited to granting Bembe a visa and specifically denied that the visa granted Bembe a "privileged status." The MFA also reported that it had checked available lists of wanted persons prior to issuing the visa and did not find Bembe's name or alias.

14. (SBU) According to a Justice Ministry contact who attended the hearing, the court was clearly unsatisfied with the answers the MFA has provided to date regarding the circumstances of Bembe's visa issuance. The contact noted it appeared that the chances the court would grant the extradition appeared "slim," barring any new developments.

MFA COMMENTS ON CASE  
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15. (U) Separately, Foreign Minister Bot was asked to answer questions about the case in parliament. In a written statement released to parliament, Bot clarified that the MFA issued Bembe a visa because it believed Bembe played a key role in the Cabindan peace process, and asserted that the Dutch believe his arrest and extradition could have negative repercussions for the peace negotiations. The statement denied that the MFA and MOJ had had contact on the case prior to the arrest, and stated that it would be "inappropriate" to comment on whether preserving the peace process should take priority over the U.S. extradition request.

16. (C) In a meeting with Charge on October 4, MFA Political Director Hugo Siblesz described the Bembe case as an "embarrassment," since the MFA had apparently issued the visa without realizing there was an Interpol red notice on Bembe. (Comment: This point appears to have been glossed over in the MFA's answers to the court noted above.) Siblesz reiterated that the MFA believed Bembe's extradition would complicate the Cabinda peace process and asked if the U.S. was taking this into consideration. Charge responded that the U.S. had considered the implications of Bembe's arrest carefully but disagreed with the Dutch assessment. He urged that the case be handled as a purely criminal matter. On that basis, the Charge added, the court should be able to reach a positive decision on extraditing Bembe to stand trial in the U.S.

BLAKEMAN